

Notice of Allowability

Application No.

10/016,413

Examiner

Hanh V. Tran

Applicant(s)

CHEN ET AL.

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 1/28/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 10 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office action is in response to applicant's After-Final Amendment filed on 1/28/2005, which includes a declaration submitted under 37 CFR 1.131 Affidavit.

Response to Amendment

2. The affidavit filed on 1/28/2005 under 37 CFR 1.131 is sufficient to overcome the US 2003/0081399 to Davis et al reference.

Allowable Subject Matter

3. Currently, claims 1-20 are pending in the application.

4. In the Final Office action mailed on 11/02/2004, claims 1-15 were indicated as being allowed; claim 19 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and claims 16-18, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0081399 to Davis et al in view of USP 5,992,955 to Yang, and USP 6,053,586 to Cook et al.

5. On 1/28/2005, applicant submitted a declaration under 37 CFR 1.131 affidavit to predate the Davis reference by showing that the instant application has an invention date of 10/12/2001, which is the counter Taiwan application's filing date and is earlier than the filing date of the Davis reference, i.e., 11/01/200J, under diligence in constructive reduction to practice with filing of the instant application. By removing the Davis reference, Yang and Cook no longer render obvious claims 16-18 and 20.

6. Since the 1.131 Affidavit is sufficient to overcome the US 2003/0081399 to Davis et al reference, claims 16-20 are also allowed.

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7. The following is an examiner's statement of reasons for allowance: (1) regarding independent claim 1, the prior art of record does not teach or fairly suggest, in combination with all the elements recited in claim 1, the top panel comprising a catch engaging the arm portion between the rear plate and the blocking section of said arm portion of the locking bar, thereby retaining the attachment of the top panel to the at least one of the front, rear plates and side panel until released by vertically moving the locking bar and arm portion away from the top panel to release the catch; (2) regarding independent claims 16 and 20, the declaration submitted under CFR 1.131 affidavit has overcome the US 2003/0081399 to Davis et al reference, thus obviate previous rejection based on said reference, and placed the claims in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
February 16, 2005

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

